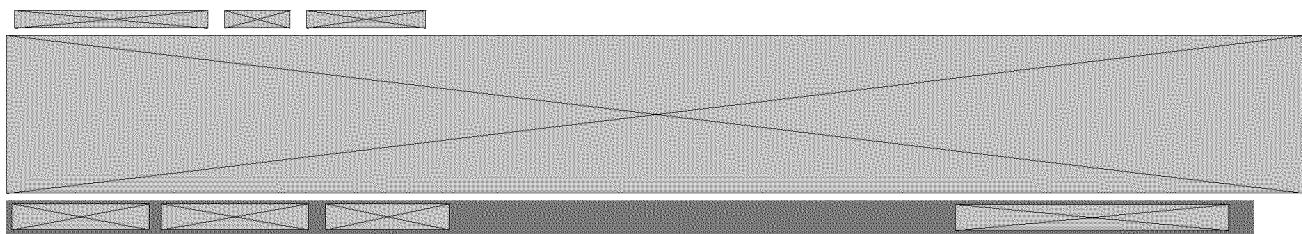


To: Tyler, Patti[Tyler.Patti@epa.gov]
From: BNA Highlights
Sent: Sat 10/24/2015 2:48:45 AM
Subject: Oct 26 -- BNA, Inc. Daily Environment Report

[Manage your email subscriptions](#)

Email not displaying correctly? [View publication in your browser.](#)



The Bloomberg BNA Daily Environment Report is brought to you by EPA Libraries. Please note, these materials may be copyrighted and should not be forwarded outside of the U.S. EPA. If you have any questions or no longer wish to receive these messages, please contact Shari Clayman at clayman.shari@epa.gov, 202-566-2370.

October 26, 2015 - Number 206

MY HEADLINES

'Balanced' Bonn Text Could Form Basis for Paris Climate Pact

The final round of United Nations climate negotiations before a summit late this year in Paris to produce the world's first global climate agreement closed Oct. 23 with what the UN's top climate official called a "balanced and manageable" negotiating text that nonetheless left 1,500 unresolved questions.

(Topic: climate change)

'Strong Basis' for Limiting Some Solvents' Uses: SAB

The scientific data the Environmental Protection Agency has gathered and analyses it has conducted provide a solid foundation for the agency to consider whether it should propose regulations limiting uses of three solvents, the Science Advisory Board said in an Oct. 22 letter.

(Agency: Environmental Protection Agency)

A Review of 2015 Energy Tax Developments

Technological advances and other changes in the energy industry have prompted a closer examination into energy taxation in recent years as the industry expands from a reliance on traditional fossil fuels to include renewable energy resources. Legislative and regulatory guidance has had to adapt to keep up with these changes as governments seek to find the optimal tax regime to maximize revenues while promoting economic growth.

(Topic: air pollution; Topic: climate change; Topic: environmental legislation; Topic: oil and gas)

Administration Won't Seek Binding Carbon Cuts in Accord

President Barack Obama's administration is "not seeking" legally binding emissions targets as part of an international agreement on climate change in Paris, the State Department told Sen. Bob Corker (R-Tenn.).

(Topic: climate change)

Alabama Settles Spill Suit With Transocean For \$20M

Alabama received \$20 million in a settlement with oil rig operator Transocean related to the company's involvement in the 2010 Gulf of Mexico oil spill, the state's attorney general and governor announced.

(Topic: oil and gas)

Alcoa Gets Water Quality Certification for N.C. Project

Hydroelectric Project, allowing it to proceed with obtaining a long-term operating license from the Federal Energy Regulatory Commission.

Majority of States Challenge EPA's Clean Power Plan Upon

(Topic: water pollution)

A majority of states and senior congressional leaders take immediate steps to block the EPA's suite of carbon dioxide standards for power plants as soon as they were published in the Federal Register. At least 20 states as well as coal giant Murray Energy Corp., the U.S. Chamber of Commerce and several other industry suggestion that a local developer's property be used as wetlands mitigation resulted in a taking, the state supreme court ruled (Ward Gulfport Props. LP v. Miss. State Highway Comm'n, 2015-BL-347651, Miss. No. 2014-CA-01001-SC, 10/22/15).

(Topic: wetlands) [Congressional Review Act. More »](#)

Effort to Strip West Virginia NPDES Authority Denied

The U.S. Court of Appeals for the Fourth Circuit declined to order the Environmental Protection Agency to rescind demands by environmental groups that West Virginia be stripped of its authority to run its water permitting program after the agency decided to do so in a separate case (Ohio Valley Envtl. Coal. v. EPA, No. 14-1747, 10/22/15). The court upheld the agency's decision that nonetheless leaves 1,500 unresolved questions. EPA denied the petition filed by the Ohio Valley Environmental Coalition. West Virginia officials

(Topic: water pollution; Agency: Environmental Protection Agency)

[More »](#) ... President Obama's administration is "not seeking" legally binding

~~EPA Lists Some Changes for International Assessment~~ of climate change in Paris, ~~After States Draft It in a Major~~ ~~Information System~~ assessment of ammonia, the Environmental Protection Agency will expand the document's discussion of ammonia produced within the human body, EPA Administrator Gina McCarthy said in a letter to a Science Advisory Board committee. McCarthy's letter to the SAB ~~Choose Republicans introduce a joint resolution of disapproval for the EPA's~~ ~~to~~ ~~creatively revised national ozone standards, the first step in a Congressional Review Act challenge to the rule. Rep. Walorski, who introduced the resolution, calls the~~ ~~EPA's~~ ~~more stringent ozone standards~~ "crippling." [More »](#)

EPA Testing New Way to Measure Air Pollution Emissions

The Environmental Protection Agency is testing a computer program that works with infrared pollution cameras to measure pollution emission rates. ~~Phillip~~ ~~shows the source of the contaminated water was not his, but another mining~~ ~~facility. The report says groundwater conditions in the upper reaches of the creek~~ ~~where Gold King is located had been "significantly altered" by extensive~~ ~~underground mine workings, "the extension of the American Tunnel to the~~ ~~Sunnyside Mine, and the subsequent plugging of the American Tunnel," which is~~ ~~also owned by~~ ~~Kimross. More »~~ The spill has prompted a flurry of Capitol Hill hearings and legislation but minimal lobbying. [More »](#)

The three federal agencies regulating genetically modified (GM) crops have to modernize their approach by July 2016, and will hold the first public meeting on the effort Oct. 30. The White House in July ordered the Agriculture Department, the Environmental Protection Agency and the Food and Drug Administration to overhaul a coordinated framework for evaluating biotechnology because advances in science ~~Planned revisions to the EPA's regional haze regulations would allow states to~~ ~~have led to products that weren't possible when the system was first established in~~ ~~coordinate their planning with compliance efforts under other air rules, an agency~~ ~~attorney says. The EPA is working on a proposed rule that would extend the~~ ~~deadline for states to submit a revised regional haze plan from July 31, 2018, to~~ ~~July 31, 2021. That proposal is scheduled to be released by December.~~ [More »](#)

Gold King Mine Spill Sparks Hearings, Not Lobbying

The 3-million-gallon toxic mining waste spill in Colorado triggered by an Environmental Protection Agency contractor has prompted a flurry of Capitol Hill hearings and legislation but minimal lobbying. ~~A state environmental agency's demand letter triggered an indemnification clause in the company's purchase contract for property abutting an Erie Canal Superfund Site, New York's top court rules. The letter from the New York Department of Environmental Conservation notified Remert that it was potentially responsible for contamination at the state Superfund site, and that was enough to satisfy a contract provision that indemnified only for required environmental costs; the New York Court of Appeals says the source of the contaminated water was not his, but another, mining facility.~~ ~~(Topic: environmental pollution; Agency: Environmental Protection Agency; State: Colorado)~~ [More »](#)

(Topic: wastewater; Topic: water pollution; Agency: Environmental Protection Agency)

~~The EPA is testing a computer program that works with infrared pollution detection cameras to measure pollution emission rates. EPA inspectors over the past five years have used infrared imaging cameras to detect pollution at various~~

HIGHLIGHTS

House Republicans Seek to Block Ozone Rule

House Republicans are introducing a resolution to overturn the Environmental Protection Agency's proposed ozone standard, which is set to be finalized in October.

Rep. Paul Broun (R-Ga.) introduced the resolution on Friday, calling it a "bold step" to "protect the environment and the economy."

Senate Committee Votes to Block Power Plant Rule

The Senate Energy and Natural Resources Committee voted to block the Environmental Protection Agency's proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Rep. Paul Broun (R-Ga.) introduced the resolution on Friday, calling it a "bold step" to "protect the environment and the economy."

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Rep. Paul Broun (R-Ga.) introduced the resolution on Friday, calling it a "bold step" to "protect the environment and the economy."

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Senate Republicans Urge EPA to Block Carbon Rule

Senate Republicans are urging the Environmental Protection Agency to block the proposed carbon dioxide standards for power plants as soon as they are introduced in the House.

Publication

'Balanced' Bonn Text Could Form Basis for Paris Climate Pact

House Republicans Bring Resolution to Block Ozone Rule

Owner Says Gold King Mine Water Came From Another Site

EPA to Change Haze Deadline to Allow Coordinated Planning

Superfund Notice Held to Trigger Indemnity Clause

EPA Testing New Way to Measure Air Pollution Emissions

sites, including large internal floating roof tanks, a type of storage tank for petroleum products. [More »](#)

VW Credit Downgrade Said to Show Impact of Climate Concerns

Environmental and climate risks are increasingly affecting corporate credit ratings as the example of Volkswagen AG's downgrade this month demonstrates, rating agency Standard & Poor's says. The rating company identifies 299 cases in which environmental and climate developments were a significant factor in influencing a revision or rating analysis. [More »](#)

'Strong Basis' for EPA Limiting Some Solvents' Use, SAB Says

The scientific data the EPA has gathered and analyses it has conducted provide a solid foundation for the agency to consider whether it should propose regulations limiting uses of three solvents, the Science Advisory Board says. The proposed rules would address consumer product and some limited other uses of trichloroethylene, n-methylpyrrolidone and methylene chloride. [More »](#)

European Commission Considers Restrictions for Textiles

The European Commission intends to use a fast-track procedure under the European Union's REACH regulation to establish a restriction that could affect about 300 hazardous chemicals that might be present in textiles. The commission, the EU's executive arm, says the use of such a wide-ranging restriction for textiles was a "first test-case." [More »](#)

North Dakota Approves Credits for Gas Flaring Reduction

The North Dakota Industrial Commission votes to offer flaring credits to oil producers who are able to meet the state's natural gas flaring-reduction goals. The credit program, which will take effect Nov. 1, will allow producers who exceed the goals to "bank" the volume of gas by which they have exceeded the goals for three months. If they then later exceed the goals, they can use the banked volumes to remain in compliance with the state's goals. [More »](#)

ALSO IN THE NEWS

AIR POLLUTION:

North Carolina proposes to exempt small sources of air pollution from state permitting requirements. [More »](#)

FORESTS:

Maryland localities may require developers to protect more forest than state law requires even if the state conservation agency objects, Maryland Attorney General Frosh says in an advisory opinion. [More »](#)

INTERVIEW

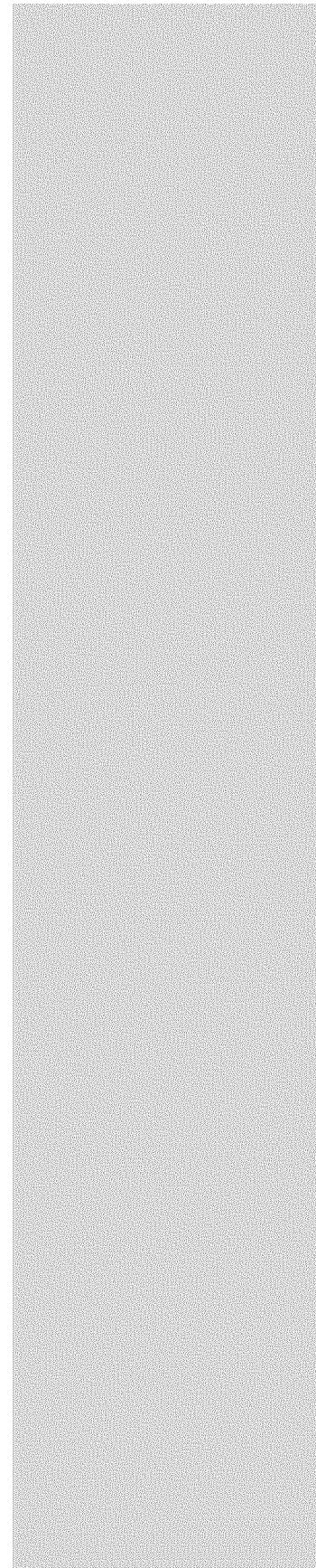
ENERGY:

FERC Commissioner Moeller speaks about his guiding principles during his tenure as the second-longest serving commissioner, including efforts to spot trends for the commission to address before they become crises as he prepares to leave the commission. [More »](#)

SPECIAL REPORT

ENERGY:

Technological advances and other changes in the energy industry prompt a closer examination into energy taxation in recent years as the industry expands from a



reliance on traditional fossil fuels to include renewable energy resources. [More »](#)

Table of Contents

NEWS

AIR POLLUTION

Haze deadline change would allow coordinated planning [A-9](#)

House Republicans seek to block ozone rule [A-1](#)

N.C. proposes small air pollution permit exemptions [A-8](#)

BIOTECHNOLOGY

First public meeting on modernizing biotech regs Oct. 30 [A-18](#)

CHEMICALS

DuPont plans to appeal \$8.2M verdict in benzene case [A-2](#)

EPA IG alleges poor morale at Chemical Safety Board [A-9](#)

'Strong basis' for limiting some solvents' uses: SAB [A-1](#)

CLIMATE CHANGE

VW downgrade said to show impact of climate concerns [A-4](#)

CLIMATE REGULATION

Majority of states challenge EPA's clean power plan [A-14](#)

ELECTRONIC WASTE

Group accuses Chicago recycler of illegal e-waste export [A-13](#)

ENFORCEMENT

EPA testing new way to measure air pollution emissions [A-6](#)

FORESTS

Maryland attorney general backs local forest protections [A-3](#)

INTERNATIONAL CLIMATE

'Balanced' Bonn text could form basis for Paris climate pact [A-17](#)

Administration won't seek binding carbon cuts in accord [A-7](#)

Nations back post-2020 tightening of Paris climate pact [A-5](#)

OIL & GAS

North Dakota approves credits for gas flaring reduction [A-8](#)

OIL SPILLS

Alabama settles spill suit with Transocean for \$20M [A-10](#)

REACH

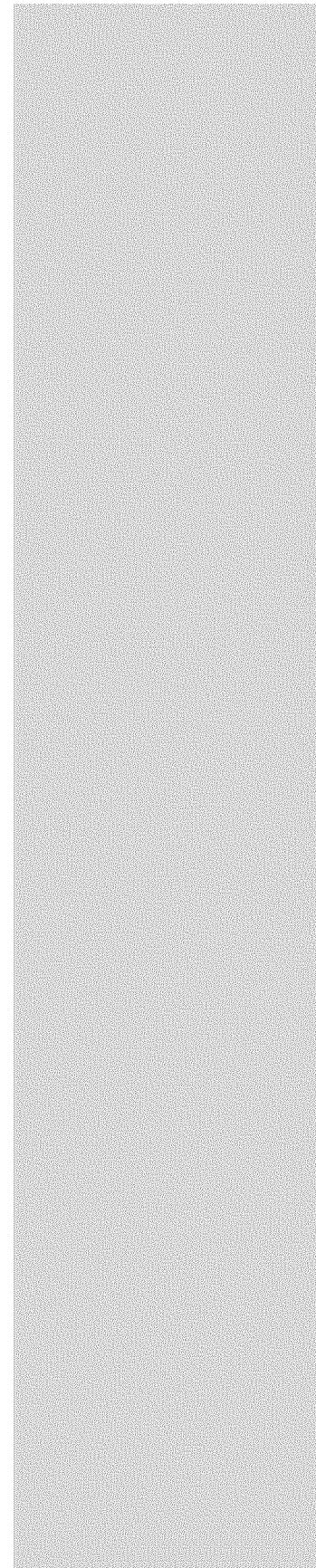
European Commission considers restrictions for textiles [A-3](#)

RISK ASSESSMENT

EPA lists some changes for ammonia assessment [A-18](#)

SUPERFUND

Superfund notice held to trigger indemnity clause [A-2](#)



TRADE

Murkowski asks GAO to look at oil exports to Canada [A-5](#)

WTO to debate trade facilitation, environmental goods [A-10](#)

WATER POLLUTION

Alcoa gets water quality certification for N.C. project [A-7](#)

Effort to strip West Virginia NPDES authority denied [A-18](#)

Gold King Mine spill sparks hearings, not lobbying [A-12](#)

Gold King Mine water came from another mine, owner says [A-11](#)

WETLANDS

Court: Mitigating Mississippi wetlands loss is a 'taking' [A-16](#)

SPECIAL REPORT**ENERGY**

A review of 2015 energy tax developments [B-1](#)

INTERVIEW**ENERGY**

Moeller: Next FERC challenge is integrating renewables [BB-1](#)

REGULATORY AGENDA**COMMENT DEADLINES**

Due dates for comments on pending rules and other actions [D-6](#)

OCTOBER 26 FEDERAL REGISTER

Entries from today's table of contents [D-1](#)

OCTOBER 23 FEDERAL REGISTER

Previous day's entries with page citations [D-3](#)

TABLE OF CASES

Hood v. E.I. du Pont de Nemours & Co. (Tex. Dist. Ct.) [A-2](#)

Intercon Solutions, Inc. v. Basel Action Network (N.D. Ill.) [A-13](#)

Ohio Valley Envtl. Coal., In re (4th Cir.) [A-18](#)

Remet Corp. v. Estate of Pyne (N.Y.) [A-2](#)

Ward Gulfport Props., LP v. Miss. State Highway Comm'n (Miss.) [A-16](#)

West Virginia v. EPA (D.C. Cir.) [A-14](#)

Documents Available

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from Research & Custom Solutions. To order, call 800 372-1033; fax 703 341-1643; or e-mail research@bna.com.

View Recent Articles
By:

[**Agencies**](#)

[**States**](#)

[**Courts**](#)

[**International
Organizations**](#)

[**Federal Statutes**](#)

[**Cases Reported**](#)

Key Features:

[**Special Reports**](#)

[**Regulatory Agenda**](#)

[**Congress.gov**](#)

[**Comment Deadlines**](#)

[**PDF Archives**](#)

Daily Environment Report

1801 South Bell Street, Arlington, VA 22202
© 2015